

**VIA ECF**

Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMORANDUM ENDORSED**

Re: Benjamin Samuel Rich v. State of New York, et al.  
21 Civ. 3835 (AT)(GWG)

Your Honor:

I am the Plaintiff in the above referenced case and am writing with respect to two filings made by Corey S. Shoock, Assistant State Attorney on the docket: #63 – Motion to Dismiss and #72 – Motion to Stay Discovery.

Having reviewed the cases cited by the Office of the New York County District Attorney, I understand that their office and ADA's have absolute immunity from being sued in civil cases for their conduct during the proper course of their employment.

Based on the cases and especially Imbler v. Pachtman, 424 U.S. 409 (1976), I have no objection to your Honor entering an order dismissing all District Attorney defendants solely as to their civil liability due to the facts alleged in my First Amended Complaint. (Doc. #55)


Due to my agreement to dismissing all of the District Attorney defendants, I believe that Doc. #63 – Motion to Dismiss is resolved and that Doc. #72 – Motion to Stay Discovery becomes moot.

I have attached a copy of an email that I sent to Mr. Shoock as well as his response in order to avoid a hearing on my requests contained herein.

Thank you for your consideration in this matter.

Respectfully Submitted:

Dated July 5, 2022

  
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Benjamin Samuel Rich  
Plaintiff, Pro Se  
9728 3rd Avenue, #524  
Brooklyn, New York 11209  
benrichhealth@gmail.com

cc:

Corey S. Shook  
Assistant District Attorney  
Office of the New York County District Attorney  
One Hogan Place  
New York, New York 10013  
(212) 335-3641  
[shookc@dny.nyc.gov](mailto:shookc@dny.nyc.gov)

Andrew B. Spears, Esq. (Via ECF)  
Attorney for Co-Defendants Miller, and Corrado  
2 New York City Law Department  
100 Church Street  
New York, New York 10007

Application granted. Docket # 63 is deemed withdrawn. The application for a stay (Docket # 71) is now moot. The Clerk is directed to terminate the following defendants: Shipla Kalra, David Nasar, and New York County District Attorney's Office. Separately, the Court directs that the telephone call between the parties ordered in Docket # 68 shall take place by July 14, 2022. The deadline for filing the plan is extended to July 21, 2022.

So Ordered.



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GABRIEL W. KORENSTEIN  
United States Magistrate Judge

July 7, 2022